

MERVYN M. DYMALLY
THIRTY-FIRST DISTRICT
CALIFORNIA

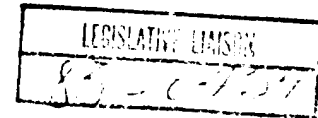


Executive Registry	
85-	594

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COMMITTEES:
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Congress of the United States
House of Representatives
Washington, D.C. 20515



3

January 29, 1985

Honorable William J. Casey
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Casey:

In recent months, several cases have been brought to my attention which involve the termination of Federal employees in the Excepted Service. As a Member of the Committee on Post Office and Civil Service, these cases are of concern to me because they demonstrate the complete lack of due process afforded Excepted Service employees upon termination from their positions, with the exception of those who are veterans' preference eligibles.

While I understand the rationale for excepting certain occupations from the competitive service, I believe that all Federal employees who have served in the government for two years should be afforded due process rights before they are summarily dismissed. Therefore, I intend to introduce remedial legislation which will ensure that Excepted Service employees, who have served continuously for twenty-four (24) months and are not in confidential or policy-determining positions, are given the administrative due process rights enjoyed by career employees in the competitive service.

The Office of Personnel Management has informed me that nearly one million Civil Service employees hold "excepted" positions. While some of these employees are granted career-status after several years, others serve in the Federal government for many years without ever gaining protection from adverse personnel actions, as set forth in Chapter 75 of Title V. In order to assist in this review of the Excepted Service, I would appreciate your providing the following information:

1. The number of employees in your department/agency who are in Excepted Service positions. Please note how many of these employees are in Schedule C or Senior Executive Service (SES) positions, or are appointments confirmed by the Senate.

Honorable William J. Casey
January 29, 1985
Page two

2. The number of these Excepted Service employees who are veterans' preference eligibles.
3. A breakdown of the "excepted" workforce by occupation.
4. The average number of years of Federal government service for each "excepted" occupation.
5. The number of Excepted Service employees who have been terminated from your department/agency in fiscal years 1982 through 1984.
6. An explanation of special department/agency guidelines, if any, which govern adverse personnel actions against Excepted Service employees. This information will be compared with the rights extended to employees in the competitive service in adverse action situations.

Thank you very much for your assistance in this matter.
Your response by February 28th will be appreciated.

Sincerely,

A handwritten signature in cursive script, reading "Mervyn M. Dymally".

MERVYN M. DYMALLY
Member of Congress